

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

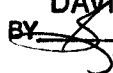
CHARLES H. WELLS

1:10-cr-036-P
CRIMINAL NO. 1:10-cr-036-P

FILED

5/7/2010

PLEA AGREEMENT

DAVID CREWS, CLERK
BY  DEPUTY

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(c) of the Federal Rules of Criminal Procedure. Defendant has read and fully understands this plea agreement and approves same, realizing that the plea agreement is subject to acceptance or rejection by the Court. The plea agreement is as follows:

1. **GUILTY PLEA:** The defendant agrees to waive Indictment and plead guilty under oath to Counts One, Two and Three of an Information, which charges:

(a) Count One charges that defendant, aided and abetted by others, devised and executed a scheme to defraud in order to avoid payment of escrow in connection with sale and distribution of cigarettes, in violation of Sections 2, 1341 and 2341(1)(A) and (B) of Title 18 of the United States Code and which carries maximum possible penalties of \$250,000 fine, not more than 20 years imprisonment, not more than 3 years of supervised release, special assessment of \$100.

(b) Count Two charges that the defendant did knowingly and intentionally make and cause to be made materially false statements as to information required by regulation, in violation of Section 2342(b) of Title 18 of the United States Code and which carries maximum possible penalties of \$250,000 fine, not more than 3 years imprisonment, at last 1 year of supervised release, special assessment of \$100.

(c) Count Three charges that the defendant conspired with others to conduct financial transactions knowing that such were the proceeds of unlawful activities, in violation of Sections 1956(a)(1)(A) and (B)(i) of Title 18 of the United States Code and which carries maximum possible penalties of a fine of \$500,000 or twice the laundered amount, whichever is greater, not more than 20 years imprisonment, not more than 3 years of supervised release, special assessment of \$100.

2. OTHER CHARGES: The United States agrees not to charge the defendant with any other offenses arising from or related to the above charges.

3. RESTITUTION: The defendant understands that the Court may order restitution in accordance with the provisions of 18 U.S.C. § 3663 for all offenses committed and specifically agrees that restitution is not limited to the count of conviction.

4. FORFEITURE: The defendant agrees to the forfeiture of all right, title and interest defendant has in certain real and personal property which will be provided to the Court prior to change of plea hearing in this case.

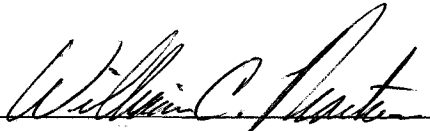
5. OTHER AUTHORITIES: This agreement does not bind any prosecuting authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws. Nor does this agreement bind the United States or any of its departments or agencies with regard to any civil or administrative actions or remedies.

6. VIOLATIONS OF THIS AGREEMENT: If defendant violates this agreement, all statements made pursuant hereto will be admissible against defendant, who hereby waives the provisions of Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence. Defendant may also, in that event, be prosecuted for all federal offenses, including perjury and false statements relating to this plea agreement.

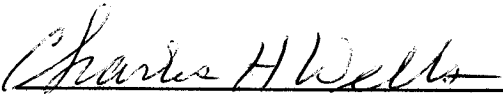
7. ACKNOWLEDGMENTS: Apart from being advised of the applicability of the U.S. Sentencing Guidelines, and other than as set forth elsewhere in the plea documents, no promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the plea of guilty. Upon filing of this plea agreement, the United States Probation Service may at once conduct a presentence investigation and submit a presentence report to the Court for immediate consideration at or before the plea of guilty is offered in open court. Defendant agrees that the Court may cancel the trial and continue all proceedings in the case until such date as the Court may set for consideration of the plea agreement, the plea of guilty, and imposition of sentence. This agreement fully reflects all promises, agreements, and understandings between the defendant and the United States Attorney. The defendant's agreement is knowing, free, and voluntary, and not the product of force, threat, or coercion. The defendant is pleading guilty because defendant is in fact guilty.

This the 22nd day of MARCH, 2010.


Acting


WILLIAM C. MARTIN
United States Attorney

AGREED AND CONSENTED TO:


CHARLES H. WELLS
Defendant

APPROVED:


KENNETH H. COGHLAN
Attorney for Defendant
Mississippi Bar No.